



Docket No.: 50195-289

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Itaru SHIBATA, et al.	:	Confirmation Number: 3374
Serial No.: 10/046,918	:	Group Art Unit: 1745
Filed: January 17, 2002	:	Examiner: Susy Foster Tsang
For: SOLID OXIDE FUEL CELL	:	

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RESPONSE TO OFFICIAL ACTION

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Official Action of October 1, 2003, restriction was required between claims 1-32, drawn to a single cell and claims 33-35, drawn to a method of making a single cell. In response to this requirement, Applicants elect the invention of Group I, claims 1-32, drawn to a single cell. The requirement for restriction is respectfully traversed and reconsideration is requested.

Applicants submit that the restriction requirement is improper because it divides a product and its method of production. Accordingly, irrespective of the invention to be elected, both areas would need to be searched and Applicant submits that a single inventive concept is presented. Accordingly, reconsideration is requested.

The Examiner further requires election of species in paragraph 4 of the action. In response to these requirements, Applicants elect the first species drawn to an embodiment of the single cell comprising an air electrode which comprises a cathode layer and an

electricity conducting cathode layer. Further, Applicants elect bismuth oxide as the cathode layer and silver as the electricity conducting cathode layer. Claims 1, 3-13 and 27-32 cover the elected species. In addition, claim 3 is believed to be a generic claim for materials of the cathode layer and electricity conducting layer.

The requirement for election is respectfully traversed on the ground that the election is between embodiments of a generic invention and 37 CFR 1.141 clearly provides that an Applicant is entitled to a reasonable number of species of the invention. Accordingly, reconsideration of the election requirement is requested.

It is believed that the above represents a complete response to the Official Action and action on the merits is now believed to be in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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